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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,736	12/30/2003	Amjad Hanif	2043.022US1	9045
49845	7590	09/01/2005	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. EBAY P.O. BOX 2938 MINNEAPOLIS, MN 55402-0938			HECK, MICHAEL C	
		ART UNIT		PAPER NUMBER
				3623

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/749,736	HANIF ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Michael C. Heck	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 15 June 2005.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-34 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-7, 9-20, 22, 23, 25 and 29-34 is/are rejected.

7)  Claim(s) 8, 21, 24 and 26-28 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 15 June 2005 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_.  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/15/05. 5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

### **DETAILED ACTION**

1. This Final Office Action is responsive to applicant's amendment filed 15 June 2005. Applicant amended claims 1, 10 and 16-30. Currently, claims 1-34 are pending.

#### ***Response to Amendment***

2. The objection to the drawings in the last Office Action has been overcome by the applicant's amendment to the drawings and specification.
3. The objection to the specification in the last Office Action has been overcome by the applicant's amendment to the specification.
4. The 35 USC § 101 rejection in the last Office Action for claims 16-29 have been overcome by the applicant's amendment to the specification.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. **Claims 1, 10 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over eBay (eBay, eBay Feedback Removal Policy, 19 June 2000 [online – Internet Archive WaybackMachine – retrieved on 14 February 2005 – URL: <http://pages.ebay.com/help/community/fbremove.html>]). eBay discloses feedback cancellation in a network-based transaction facility comprising:

- [Claim 16] receiving a request to cancel feedback pertaining to a transaction in a network-based transaction facility from a first party to the transaction (Para 3, eBay teaches contacting eBay by writing [safeharbor@ebay.com](mailto:safeharbor@ebay.com) and seek review if you believe that another user has left feedback for you that meets one or more of the criteria. If eBay agrees with you, it will remove the feedback.);
- determining whether one or more feedback cancellation criteria are satisfied (Para 3-13, eBay teach circumstances (criteria) where eBay will consider removing feedback.); and
- canceling the feedback pertaining to the transaction if the one or more feedback cancellation criteria are satisfied (Para 3, eBay teaches that if eBay agrees with you, it will remove the feedback.).

eBay, however, does not expressly show “automatically” determining whether one or more feedback cancellation criteria are satisfied. It was known at the time of the Applicant’s invention that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). For example, simply automating the step of determining whether one or more feedback cancellation criteria are satisfied gives you just what you would expect from the manual steps as shown in eBay. In other words there is no enhancement found in the claimed step. It would have been obvious to one of ordinary skill in the art at the time of the Applicant’s invention to automate the determination of whether one or more feedback cancellation

criteria are satisfied, which is purely known, and an expected result form automation of what is known in the art.

**Claims 1 and 10** substantially recites the same limitations as that of claim 16 with the distinction of the recited method being an apparatus and system. Hence the same rejection for claim 16 as applied above applies to claims 1 and 10.

8. **Claims 2-7, 9, 11-15, 17-20, 22, 23, 25 and 29-34** are rejected under 35 U.S.C. 103(a) as being unpatentable over eBay (eBay, eBay Feedback Removal Policy, 19 June 2000 [online – Internet Archive WaybackMachine – retrieved on 14 February 2005 – URL: <http://pages.ebay.com/help/community/fbremove.html>] in view of SquareTrade (SquareTrade, How SquareTrade's Dispute Resolution Can Help Resolve Feedback Disputes, 12 March 2001, 18 June 2001, and 08 August 2002 [online – Internet Archive WaybackMachine – retrieved on 14 February 2005 – URL: [http://www.squaretrade.com/eb/ebay\\_nf\\_020801.html](http://www.squaretrade.com/eb/ebay_nf_020801.html)]). As to **claim 17**, eBay discloses feedback cancellation in a network-based transaction facility but fails to teach determining that a second party to the transaction agrees to cancel the feedback pertaining to the transaction. SquareTrade teaches eBay will consider your request for feedback removal when SquareTrade notifies eBay that you have reached an agreeable resolution with the other party (Para 3). It would have been obvious to one of ordinary skill in the art to include SquareTrade's agreement solution with the teachings of eBay since eBay teaches that it is old and well known in the art to have a feedback removal policy (eBay: Title). Both eBay and SquareTrade address how to resolve feedback

disputes on eBay so the feedback can be removed, therefore the motivation to combine is based on the nature of the problem to be solved.

- **[Claim 18]** wherein the feedback pertaining to the transaction includes at least one of a feedback comment left by the first party for a second party to the transaction and a feedback comment left by the second party for the first party (SquareTrade: Para 1 and 3, SquareTrade teaches that if you have received feedback that you disagree with and want to have it removed, you can work with SquareTrade (eBay's preferred online dispute resolution provider) to try and resolve the underlying problem with the other eBay user. eBay will consider your request for feedback removal when SquareTrade notifies eBay that you have bought or sold an item that does not violate eBay policy.).
- **[Claim 19]** identifying a second party to the transaction based on input provided by the first party (SquareTrade: Para 1 and 3, SquareTrade teaches that if you have received feedback that you disagree with and want to have it removed, you can work with SquareTrade (eBay's preferred online dispute resolution provider) to try and resolve the underlying problem with the other eBay user.);
- presenting to the first party information identifying the second party and the feedback pertaining to the transaction (SquareTrade: Para 7-9, SquareTrade teaches entering complaint details on SquareTrade's secure and confidential Web site. SquareTrade will send notification email to the other party who can then respond to your complaint in a secure area on the SquareTrade Web site. When you receive a response, log in and request a SquareTrade Mediator.); and
- receiving a confirmation of the request to cancel feedback from the first party (SquareTrade: Para 10, SquareTrade teaches when you and the other eBay user have reached a resolution and completed all terms of that resolution as outlined by your mediator, SquareTrade will notify eBay and your feedback will be removed).
- **[Claim 20]** wherein the input provided by the first party includes an identifier of an item associated with the transaction (SquareTrade: Para 3, SquareTrade teaches eBay will consider your request for feedback removal when SquareTrade notifies eBay that you have bought or sold an item that does not violate eBay policy. Implicitly, an item is identified.).
- **[Claim 22]** notifying a second party to the transaction about the request to cancel feedback (SquareTrade: Para 7-9, SquareTrade teaches SquareTrade

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will send notification email to the other party who can then respond to your complaint in a secure are on the SquareTrade Web site.).

- **[Claim 23]** sending to the second party an email message informing the second party of the request to cancel feedback pertaining to the transaction (SquareTrade: Para 7-9, SquareTrade teaches SquareTrade will send notification email to the other party who can then respond to your complaint in a secure are on the SquareTrade Web site.).
- **[Claim 25]** presenting to the second party information identifying the transaction for which the first party submitted the request to cancel feedback (SquareTrade: Para 3 and 7-9, SquareTrade teaches eBay will consider your request for feedback removal when SquareTrade notifies eBay that you have bought or sold an item that does not violate eBay policy. SquareTrade will send notification email to the other party who can then respond to your complaint in a secure are on the SquareTrade Web site.); and
- receiving a confirmation of feedback cancellation from the second party (SquareTrade: Para 10, SquareTrade teaches when you and the other eBay user have reached a resolution and completed all terms of that resolution as outlined by your mediator, SquareTrade will notify eBay and your feedback will be removed).
- **[Claim 29]** wherein the one or more feedback cancellation criteria includes at least one requirement selected from the group consisting of a requirement that at least one feedback comment pertaining to the transaction exist, a requirement that the request to cancel feedback be received before an expiration date of the transaction, a requirement that a second party to the transaction agree to cancel feedback before an expiration date of the request to cancel feedback, a requirement that each of the first and second parties be currently registered with the network based transaction facility, and a requirement that each of the first and second parties do not exceed a feedback cancellation limit (SquareTrade: Para 1 and 3, SquareTrade teaches that if you have received feedback that you disagree with and want to have it remove, you can work with SquareTrade (eBay's preferred online dispute resolution provider) to try and resolve the underlying problem with the other eBay user. eBay will consider your request for feedback removal when SquareTrade notifies eBay that you have bought or sold an item that does not violate eBay policy. Implicitly, one feedback comment pertaining to the transaction exist.).
- **[Claim 30]** receiving a request to cancel feedback pertaining to a transaction in a network-based transaction facility from a first party to the transaction (eBay: Para 3, eBay teaches contacting eBay by writing

safeharbor@ebay.com and seek review if you believe that another user has left feedback for you that meets one or more of the criteria. If eBay agrees with you, it will remove the feedback.);

- determining that a second party to the transaction agrees to cancel the feedback pertaining to the transaction (SquareTrade: Para 3, SquareTrade teaches eBay will consider your request for feedback removal when SquareTrade notifies eBay that you have reached an agreeable resolution with the other party.);
- determining whether one or more feedback cancellation criteria are satisfied (eBay: Para 3-13, eBay teach circumstances (criteria) where eBay will consider removing feedback.); and
- canceling the feedback pertaining to the transaction if the one or more feedback cancellation criteria are satisfied (eBay: Para 3, eBay teaches that if eBay agrees with you, it will remove the feedback.).

**Claims 2-7, 9, 11-15 and 31-34** substantially recites the same limitations as that of claims 17-20, 22, 29 and 29 with the distinction of the recited method being an apparatus, system, and computer readable medium. Hence the same rejection for claims 17-20, 22, 29 and 29 as applied above applies to claims 2-7, 9, 11-15 and 31-34.

***Allowable Subject Matter***

9. **Claims 8, 21, 24 and 26-28** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Michael C. Heck whose telephone number is (571) 272-6730. The Examiner can normally be reached Monday thru Friday between the hours of 8:30am - 4:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 273-6729.

Any response to this action should be mailed to:

**Director of the United States Patent and Trademark Office**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**

Or faxed to:

**(571) 273-8300** [Official communications; including After Final communications labeled "Box AF"]

**(571) 273-6730** [Informal/Draft communication, labeled "PROPOSED" or "DRAFT"]

*MCH*  
mch  
30 August 2005

*Susanna Diaz*  
**SUSANNA M. DIAZ**  
**PRIMARY EXAMINER**

*AU 3623*